



Full council
18 September 2023

**Report from the Corporate Director
of Governance**

Changes to the Constitution

Wards Affected:	All
Key or Non-Key Decision:	Council
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
List of Appendices:	One Appendix 1: Proposed amendments to the Constitution
Background Papers:	None
Contact Officer(s): (Name, Title, Contact Details)	Debra Norman Corporate Director of Resources Tel: 020 8937 1578 Email: Debra.norman@brent.gov.uk

1.0 Executive Summary

1.1. This report proposes changes to the terms of reference of the Health and Wellbeing Board and to the arrangements for withdrawal of Motions.

2.0 Recommendation(s)

2.1 To agree the changes to the Constitution set out in Appendix 1.

2.2 To authorise the Corporate Director of Governance to amend the Constitution accordingly, including making any necessary incidental or consequential changes.

2.3 To note that, to the extent that the changes relate to executive functions of the Council, they have been approved by the Leader.

3.0 Detail

3.1 Contribution to the Borough Plan and Strategic Priorities

- 3.1.1 Ensuring the Constitution is kept up to date and supportive of good governance contributes to the delivery of all of the strategic priorities within the Borough Plan by supporting and enhancing the Council's activity.

3.2 Background

3.2.1 Terms of Reference – Health and Wellbeing Board (HWB)

The HWB undertook an annual review of its terms of reference at its meeting on 25 July 2023 and agreed to propose some amendments. These relate to formatting, title corrections and the following three substantive changes:

- In Paragraph 4 - to formalise the current Vice Chair arrangements by specifying the GP representative of the North West London Integrated Care System will be the vice-chair.
- In Paragraph 6 - to specify the quorum for the HWB must include a member of the Brent Integrated Care Partnership.
- In Paragraph 7.10 – an amendment to reflect the delegation of the approval of the pharmaceutical needs assessment.

- 3.2.2 The proposed revised terms of reference are contained in the Appendix to this report.

3.2.3 Withdrawal of Motions

- 3.2.4 An issue arose at the last Council meeting about withdrawal of Motions which have been submitted under SO41.

- 3.2.5 Currently the rules for debate contained in Standing Order 42 only permit withdrawal or alteration of a Motion with the consent of the Council. The Standing Order does not distinguish between Motions which have already been formally moved and those which have not. There is therefore a lack of clarity about what happens in each circumstance and in particular about who can move the Motion if a Proposer no longer wishes to.

- 3.2.6 The most straightforward way to create a clear position is for Standing Order 42 to be amended to provide specifically for each situation. It is therefore proposed that Standing Orders be amended to permit a Motion to be withdrawn by the Proposer at any time up to it being moved, but to continue to require any alternation or withdrawal following that stage to be approved by Council.

4.0 Stakeholder and ward member consultation and engagement

- 4.1 None for the purposes of this report

5.0 Financial Considerations

- 5.1 None

6.0 Legal Considerations

6.1 These are contained in the body of the report.

7.0 Equality, Diversity & Inclusion (EDI) Considerations

7.1. Under section 149 of the Equality Act 2010, the council has a duty when exercising its functions to have “due regard” to the need to eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act and advance equality of opportunity and foster good relations between persons who share a protected characteristic and persons who do not. This is the public sector equality duty. The protected characteristics are age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

7.2 “Due regard” is the regard that is appropriate in all the circumstances. The weight to be attached to the effect is a matter for the council. As long as the council is properly aware of the effects and has taken them into account, the duty is discharged. Depending on the circumstances, regard should be had to the following:

- the need to enquire into whether and how a proposed decision disproportionately affects people with a protected characteristic. In other words, the indirect discriminatory effects of a proposed decision;
- the need to remove or minimise disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic;
- the need to take steps to meet the needs of persons who share a protected characteristic that are different from the needs of persons who do not share it. This includes taking account of disabled persons’ disabilities. There can be a positive duty to take action to help a disabled person. What matters is how they are affected, whatever proportion of the relevant group of people they might be;
- the need to encourage persons who share a protected characteristic to participate in public life (or in any other activity in which participation by such persons is disproportionately low); and
- the need to tackle prejudice and promote understanding.

7.3 No equalities implications arise directly from this report.

8.0 Climate Change and Environmental Considerations

8.1 None

9.0 Human Resources/Property Considerations (if appropriate)

9.1 None

10.0 Communication Considerations

10.1 None

Report sign off:

Debra Norman

Corporate Director of Governance